

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

SERGEY GABINSKY,

Defendant.

INFORMATION

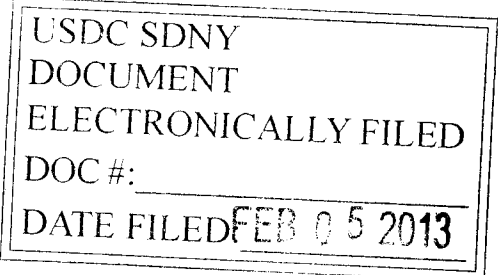
S5 12 Cr. 171 (JPO)

COUNT ONE

The United States Attorney charges:

1. From in or about 2007 through in or about February 2012, in the Southern District of New York and elsewhere, SERGEY GABINSKY, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 1341 and 1347.

2. It was part and an object of the conspiracy that SERGEY GABINSKY, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, a matter and thing to be sent and delivered by the Postal Service, and would and did take and receive therefrom, such matter and thing, and would and did cause to be delivered by mail according



to the direction thereon, and at the place at which it was directed to be delivered by the person to whom it was addressed, a matter or thing, in violation of Title 18, United States Code, Section 1341.

3. It was further a part and an object of the conspiracy that SERGEY GABINSKY, the defendant, and others known and unknown, willfully and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a health care benefit program, and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program in connection with the delivery of and payment for health care benefits, items and services, in violation of Title 18, United States Code, Section 1347.

#### OVERT ACT

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about February 23, 2009, SERGEY GABINSKY, the defendant, incorporated Gaba Medical P.C., located in Brooklyn, New York, in order to fraudulently bill no-fault insurance claims to automobile insurance companies, some of which bills were mailed to New York, New York.

(Title 18, United States Code, Section 371).

Forfeiture Allegation As to Count One

5. As a result of committing the conspiracy to commit the federal health care fraud and mail fraud offense charged in Count One of this Information, SERGEY GABINSKY, the defendant, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(7), and Title 28, United States Code, Section 2461(c), shall forfeit all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offense charged in Count One of this Information, including but not limited to a sum of money of \$2,029,916.68, in that such sum in aggregate is property representing the amount of gross proceeds obtained as a result of the mail and health care fraud conspiracy offense.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third party;
  - c. has been placed beyond the jurisdiction of the court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the said defendant up to the value of the forfeitable property.

(Title 18, United States Code, Sections 981 and 982; and Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

  
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PREET BHARARA *km*  
United States Attorney

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SUPERSEDING INFORMATION

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(18 U.S.C. § 371)

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United States Attorney.

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SUPERSEDING INFORMATION

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